

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GTZM TECHNOLOGY VENTURES LTD.,

Plaintiff,

v.

ATLANTIC BROADBAND FINANCE, LLC, ET AL.

Defendants.

C.A. No.: 11-790-LPS

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**STIPULATION AND [PROPOSED] ORDER ON VONAGE’S MOTION TO SEVER**

WHEREAS, on September 8, 2011, Plaintiff GTZM Technology Ventures, Ltd. (“GTZM”) filed a complaint for patent infringement against a number of defendants (the “Original Action”), including Defendants Vonage Holdings Corporation, Vonage America, Inc., and Vonage Marketing LLC (collectively “Vonage”). (D.I. 1.)

WHEREAS, on October 25, 2011, Vonage filed a Motion to Sever Pursuant to FRCP 20(a) and 21 (the “Motion to Sever”). (D.I. 34.)

WHEREAS, on November 2, 2011, GTZM filed a First Amended Complaint against a number of Defendants, including Vonage in the Original Action. (D.I. 39.)

WHEREAS, on November 14, 2011, GTZM filed an Answering Brief in Opposition to the Motion to Sever. (D.I. 46.)

WHEREAS, on November 30, 2011 Vonage filed a Reply Brief in Support of the Motion to Sever. (D.I. 52.)

WHEREAS, on April 2, 2012, the Court scheduled oral argument on Vonage’s Motion to Sever for June 7, 2012 at 2:00 p.m. (D.I. 145.)

WHEREAS, on May 31, 2012, Vonage filed a Rule 7.21(b) Letter Regarding Supplemental Authority citing *In re EMC Corp., et al.*, Misc. Docket No. 100, 2012 WL 1563920 (Fed. Cir. May 4, 2012). (D.I. 167.)

WHEREAS, in preparation for oral argument on the Motion to Sever, GTZM and Vonage met and conferred regarding the relief sought in the Motion to Sever and, have agreed to resolve the Motion to Sever as set forth below.

IT IS HEREBY STIPULATED by the parties hereto, subject to the approval of the Court, that:

1. Vonage's Motion to Sever is hereby GRANTED.
2. The Clerk of the Court is hereby DIRECTED to open a new civil action, captioned *GTZM Technology Ventures, Ltd. v. Vonage America, Inc.*, using the Complaint attached hereto as Exhibit A (the "Vonage Action"). Within three (3) days of the opening of the Vonage Action, GTZM will file a copy of the patent-in-suit, the Civil Cover Sheet, and the Report to the Patent Trademark Office as required by the District of Delaware Local Rules. Service of process of Vonage in the Original Action shall be deemed to effect service of process of Vonage in the Vonage Action.
3. The Vonage Action is hereby CONSOLIDATED with the Original Action for all pre-trial purposes, including claim construction but not including trial, and the Vonage Action shall proceed pursuant to the Rule 16 Scheduling Order entered in the Original Action (D.I. 109), provided however, that Vonage shall be entitled to seven (7) hours of deposition time with each of GTZM's infringement and damages experts and three (3) hours of deposition time with the inventor of the patent-in-suit in addition to the time permitted for such depositions in the Original Action.

AGREED AS TO FORM:

BAYARD, P.A.

/s/ Stephen B. Brauerman  
Richard D. Kirk (No. 922)  
Stephen B. Brauerman (No. 4952)  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801  
rkirk@bayardlaw.com  
sbrauerman@bayardlaw.com

*Attorneys for Plaintiff GTZM Technology  
Ventures Ltd.*

SEITZ ROSS ARONSTAM & MORITZ LLP

/s/ Benjamin J. Schladweiler  
Collins J. Seitz Jr. (No. 2237)  
Benjamin J. Schladweiler (No. 4601)  
100 South West Street, Suite 400  
Wilmington, DE 19801  
cseitz@seitzross.com

*Attorneys for Vonage Holdings Corporation,  
Vonage America, Inc. and Vonage Marketing  
LLC*

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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The Honorable Leonard P. Stark  
United States District Judge